

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRENDAN DUNCKLEY,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

3:13-cv-00269-RCJ-VPC

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Petitioner has submitted a habeas petition and seeks leave to proceed *in forma pauperis*. (ECF No. 1). In addition to filing the proper affidavit of inability to pay filing fees, a prisoner seeking to proceed *in forma pauperis* “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(1), (2). Petitioner in the instant action has failed to submit an *in forma pauperis* application that provides the necessary financial information and includes a financial certificate signed by an authorized prison or jail officer. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, petitioner at all times remains responsible for calculating the running of the federal limitation period as applied to his case, properly commencing a timely-filed federal habeas action, and properly exhausting his claims in the state courts.

